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GE HEALTHCARE c/o FLETCHER YODER, PC P.O. BOX 692289 HOUSTON, TX 77269-2289			EXAMINER AUGUSTINE, NICHOLAS	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/681,730
Filing Date: October 08, 2003
Appellant(s): MURALIDHARAN ET AL.

John M. Rariden
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/23/2007 appealing from the Office action mailed 03/29/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

The amendment after final rejection filed on 06/01/2007 has not been entered.(5)

Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,325,540	LOUNSBERRY ET AL.	12-2001
6,308,273	GOERTZEL ET AL.	10-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 10-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The current focus of the Patent Office in regard to statutory inventions under 35 U.S.C. 101 for method claims and claims that recite a judicial exception (software) is that the claimed invention recite a practical application. Practical application can be provided by a physical transformation or a useful, concrete and tangible result. The claims recite "A computer program, provided on one or more tangible computer readable media", thus it is the "A computer program" that is claimed, not the "tangible computer readable media". It does not matter where the "computer program" is provided on, it's still the computer program is being claimed, thus this renders to be non-statutory. Consider the phrase "A computer readable storage

medium having a computer program stored thereon...", in this example the applicant claims "a computer readable storage media" which is statutory.

3. Claim 36 is rejected under 35 U.S.C. 101 because it relates to an abstract idea, which falls under the category of being non-statutory. The following link on the World Wide Web is for the United States Patent And Trademark office (USPTO) policy on 35 U.S.C. §101

http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-5,7,8,10-14,16,17,19-33 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller in view of Lounsberry.

As to independent claims 1,7,10,16,19, 28 and 37, Miller teaches a method and corresponding apparatus and article (figures 1-2) for limiting a remote display of a local system user interface (figure 4), comprising:

- **Claim 1,7,10,16,19:** Designating one or more interface regions of a system user interface as limited remote access interface regions (figure 7B, 160 and figure 7A)
- **Claim 1,10,19:** Modifying the limited remote access interface regions present in screen data sent to a remote operator workstation for display (figure 7B, 162 and figure 7A)
- **Claim 1,10,19:** Displaying the modified interface regions at the remote operator workstation, wherein the modified interface regions visually differ when displayed from respective unmodified interface regions (figure 3-4), wherein the system user interface has functionality on the local operator workstation which is not enabled on the remote operator workstation (figure 2, col.8, lines 34-49 and col.5, line 65)

- **Claim 7,16,28:**Identifying one or more restricted remote inputs in an input stream to a local system using the system user interface (figure 7A, 140), wherein the one or more restricted remote inputs are generated via interaction at a remote operator workstation with the one or more limited remote access interface regions (col.5, line 65 and figure 2, 22)
- **Claim 7,16,28:**Removing the one or more restricted remote inputs from the input stream to the local system (col.8, lines 40-45)
- **Claim 28,37:**At least one local operator workstation configured to receive at least the one or more processed signals and to communicate with the one or more system control circuits and with one or more memory devices (figure 2 and col.6, lines 4-34)
- **Claim 28,37:**A remote operator workstation (col.5, line 65) configured to receive at least the one or more processed signals via a network connection (figure 2)
- **Claim 28,37:**A limited communication module located on at least one of the network connection, wherein the limited communication module may be configured to designate one or more interface regions of a system user interface as limited remote access interface regions (figure 5 A and col.8, lines 40-45)
- **Claim 1,10,19:** Modify the limited remote access interface regions present in screen data sent to the remote operator workstation such that the modified

interface regions visually differ from the respective unmodified interface regions when displayed (figures 3-4)

Miller teaches other modifications of a security control subclass are possible (col.10, line 32). Various modifications and variations are possible without departing from the spirit and the scope of the invention (col.10, lines 49-51). Of course, those skilled in the art that the invention of Miller can be reproduced for any system for it discloses a broad idea for use in multiple instances such as a database management, system controls, operation mechanics to any graphical user interface where there exist a remote communication between workstations and/or client/server.

Miller does not specifically mention the user of this system and method on a medical imaging system and device, however in the same field of endeavor Lounsberry teaches remotely configuring and servicing a medical imaging system and device (col.1, paragraph 2 and col.2, lines 38-40) as well as remote monitoring, remote system control, immediate file access from remote locations, remote file storage and archiving, remote resource pooling, remote recording, and remote high speed computations. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Lounsberry into Miller, this is true because other network or communications schemes may be provided for enabling the service facility to communicate and exchange data and messages with diagnostic systems and remote service units, such as systems including outside Internet service providers (ISP's), virtual private networks (VPN's) and so forth (col.12, lines 10-20).

As for dependent claims 2-5,11-14,24-27,20-23 and 29-33, Miller teaches the methods as recited by proper parent claim;

- **Claim 2-4,11-13,17,24-26,33:** Each limited remote access regions is designated with one of two or more levels of remote access corresponding to different degrees of modification; one level of remote access corresponds to a modified interface region comprising a solid visual region when displayed such that no text or image is visible; level of remote access corresponds to a modified interface region comprising a visually obscured region when displayed through which text or images may be visible (col.10, lines 34-51)
- **Claim 5,14,27:** The visually obscured region comprises one or more of a hatching, a shading, and a tinting (col.8, lines 34-38)
- **Claim 20,29:** Further comprising one or more data processing circuits configured receive and further process the one or more signals from the one or more data acquisition circuits (note the above independent claims analysis and figure 1-2 and col.6, lines 12-30 wherein it is well appreciated in the art that a computer is in form of circuit which complete desired task which are described therein throughout the whole reference)
- **Claim 22,23,31,32:** Limited communication module comprises routines executed on at least one of the system control circuits and the local operator workstation or by at least one server in the network connection (col.5, last paragraph)

Claim 21,30: Miller does not specifically mention to detail of specific systems and devices that would make use of the disclosed invention, of course those skilled in the art would appreciate that the method and system presented by Miller can be implemented to any general computer purpose environment. However in the same field of endeavor Lounsberry teaches remotely configuring and servicing a medical imaging system and device (col.1, paragraph 2 and col.2, lines 38-40) for one of CT imaging system, an MRI imaging system, a tomosynthesis system, an EBT imaging system, a PET imaging system, and a digital X-ray imaging system (col.1, lines 17-33). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Lounsberry into Miller, this is true because other network or communications schemes may be provided for enabling the service facility to communicate and exchange data and messages with diagnostic systems and remote service units, such as systems including outside Internet service providers (ISP's), virtual private networks (VPN's) and so forth (col.12, lines 10-20).

7. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goertzel in view of Lounsberry.

As to independent claim 36, Goertzel teaches a method for limiting remote access: differentiating functionality of a system user interface based on proximity (location) of an operator workstation to a device (col.4, lines 51-59). Goertzel does not specifically mention the use of the method on a particular system or device, such as a medical

imaging system and device, only to which the method to be used on any system and device (col.17, lines 46 – 55). However in the same field of endeavor Lounsberry teaches remote access to a medical imaging system and device (col.5, last paragraph). It would have been obvious to one of ordinary skill in the art to combine Lounsberry into Goertzel, this is true because other network or communications schemes may be provided for enabling the service facility to communicate and exchange data and messages with diagnostic systems and remote service units, such as systems including outside Internet service providers (ISP's), virtual private networks (VPN's) and so forth (col.12, lines 10-20).

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).

(10) Response to Argument

Beginning on page 10 of Appellant's Brief (hereinafter Brief); Appellant argues a specific issues, which is accordingly addressed below.

Item A: Appellant raises the issue that an after final amendment was not entered by the Examiner. The Examiner notes that this is a petitionable matter and as such will not be further discussed.

Item B: Appellant has argued that claim 36 is statutory under 35 U.S.C. 101. The Examiner believes that claim 36 is directed towards non-statutory subject matter .

Item C: Appellant has argued the rejection of claims 1-5,7,8,10-14,16,17,19-33 and 37 under 35 U.S.C. 103(a) as being unpatentable over Miller in view of Lounsberry.

C1. Applicant argues that it is not obvious to combine Lounsberry into Miller, there is no Prima Facie Case of Obviousness for Independent claims 1,7,10,16,19,28 and 37 (page 16 of Brief).

R.C1. The Examiner does not agree. All of the component parts are known in Miller and Lounsberry. The only difference is the combination of the known prior art elements into a single system by adding the ability for remote use of the system for increased use efficiency. Thus, it would have been obvious to one of ordinary skill in the art to add a communication scheme of remote monitoring and control of a system with basic security schemes as taught by Lounsberry into a standard system with a different security scheme that adds additionally security functionality of blocking specific graphical user interface elements of Miller, since the operation of remote monitoring and control is in no way dependent on the operation of the system of Miller, and a blocking security scheme of Miller could be used in combination with a standard network communication system of Lounsberry to achieve the predictable results of remotely blocking graphical user interface elements for unprivileged users (col.12, lines 5-55, Lounsberry).

C2. Applicant argues that Miller does not teach “access is based on proximity” (emphasis added), and further notes that Miller in view of Lounsberry does not teach claims 1,7,10,16,19 and 28 by addressing the limitation “access is based on proximity” (page 16-18 of Brief).

R.C2. The Examiner notes that this limitation is not directly claimed in claims 1,7,10,16, 19 or 28. Further The Examiner points out that the combination of Lounsberry into Miller teaches remote access and control of a system that has the security functionality of blocking specific graphical user interface elements if the user of the system does not have specific privileges. Thus one of ordinary skill in the art can make the determination that a remote workstation setup is configured to access a medical device for monitoring and controlling of device can have a user privilege to view specific graphical user interface elements wherein the remote workstation is location dependent from the device pending on user privilege as taught by Miller in view of Lounsberry. Miller further notes that the functionality of blocking elements in a graphical user interface (col.8, lines 53-58 and figures 6,7A-B) can be implemented in a variety of network interfaces (client/server, local area network, different computers; col.5, lines 57-65). Lounsberry fills the deficiencies of Miller by teaching remote access from a workstation to control and monitor Medical devices with basic security functionality (col.4, lines 66-67; col.5, lines 1-12, 62-67 and col.6, lines 1-10); Wherein from a remote location a privileged user gains access to a workstation to control and monitor a medical device. Using the security functionality of Miller yields the predictable result of a workstation in a remote location from a medical device having a privileged user control

and monitor only available graphical user interface elements (non-blocked controls) of the medical device interface from the remote workstation.

C3. Applicant argues that Miller in view of Lounsberry does not teach “the limited communication module is configured to provide different functionality based on proximity”, emphasis added, of claim 37 (page 19 of Brief).

R.C3. The Examiner notes that this limitation is not directly claimed in claim 37.

Item D: Appellant has argued the rejection of claim 36 under 35 U.S.C. 103(a) as being unpatentable over Goertzel in view of Lounsberry.

D1. Applicant argues that Goertzel in view of Lounsberry does not teach claim 36, in particular Goertzel teaches a virtual location not a spatial location.

R.D1. The Examiner does not agree. Claim 36 is merely directed to the proximity of an operator workstation. Claim 36 does not clearly claim virtual or physical proximity. Accordingly, either proximity meets the claim limitation. Moreover, Goertzel teaches physical proximity (col.5, line 17) such that users of the system make use of local machines (local machines which defined as physical objects “personal computer”, figure 2; col.4, line 23-30 and 63). Thus Goertzel teaches physical computers in a physical spatial location having proximity relationships to determine accessibility of information (col.5, lines 26-30).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



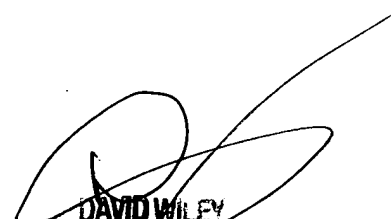
Nicholas Augustine
Patent Examiner
January 2, 2008

Conferees:



Weilun Lo
Supervisory Patent Examiner
January 2, 2008

Lynne Browne
Appeal Practice Specialist, TQAS
Technology Center 2100
January 2, 2008



DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

John M. Rariden
FLETCHER YODER
P.O. Box 692289
Houston, TX 77269-2289